



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

COMBINED DECLARATION AND POWER OF ATTORNEY

As a percent named inventor, I hereby declare that: my residence, post office addr ss and citizenship are is stated below next to my name; that I verily believe that I am the original, first and sole inventor (if only one name is listed below) or a joint inventor (if plural inventors are named below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

ANTIVIRAL AND ANTIBACTERIAL ACTIVITIES OF EXTRACTS FROM EIGHT PLANT:

the specification of which	EIGHT PLANT	
(check one) X is attached hereto.		
was filed on	-	
as U.S. Application Serial No.		
was filed on		
as PCT International Application No.		
and (if applicable) was amended on		
I hereby state that I have reviewed and understand the contents of including the claims, as amended by any amendment referred to a	the above identified specification,	
acknowledge the duty to disclose information known to many		

I acknowledge the duty to disclose information known to me which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, §§1.56(2) and (b), which state:

- A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an applicatio i is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is cancelled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability t at is cancelled or withdrawn from consideration need not be submitted if the information it not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§1.97(b)-(d) and 1.98. However, no patent will be granted on ar application in connection with which fraud on the Office was practiced or attempted or he duty of disclosure was violated through had faith or intentional misconduct. The Office encourages applicants to carefully examine:
 - said. Le sites in sucred ropone of a foreign patent office in a commemor application.
 - the closest information over which individuals associated with the filing or prosecttion of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.
- Linder this section, information is material to patentability whin it is not cumulative to **(b)** information already of record or being made of record in the application, and

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- (1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or
- (2) It refutes, or is inconsistent with, a position the applicant takes in:
 - Opposing an argument of unpatentability relied on by the Office, or
 - Asserting an argument of patentability. (ii)

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability."

I hereby claim foreign priority benefits under 35 United States Code, §119 and/or §365 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate filed by me or my assignce disclosing the subject matter claimed in this application and having a filing date (1) before that of the application on which priority is claimed, or (2) if no priority claimed, before the filing of this application:

PRIOR FOREIGN APPLICATION(S)

Number

Country

Filing Date (Day/Month/Year)

Date First Laid-open or Published

Date Patented or Granted

Priority Claimed.

none

I hereby claim the benefit under 35 United States Code, § 119(e) of any United States provisional application(s) listed below:

Application Number

Filing Date

none

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed n the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, §1.56(a) which became available between the filing date of the prior application and the national or PCT international filing date of this application:

PRIOR U.S. OR PCT APPLICATION(S)

Application No.

Filing Date

(day/month/year)

Status

(pending, abandoned, granted)

08/762260

09/12/96

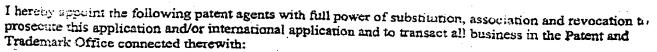
PCT/CA97/00971

09/12/97

abandoned pending

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made w th the knowledge that wilful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such wilful false statements may jeopardize the validity of the application or any patent issued thereon.

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1) INVENTOR'S SI	GNATURE: - HICA	-4-	
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